SEP 17 2013

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

Clerk, U.S. District Court Texas Eastern

CRAIG CUNNINGHAM, Plaintiff,	§ § §
v.	§
	§ Civil Case No. 4:18-CV-00149
American Fresh Start, LLC	§
	§
Defendant	8
	§

Plaintiff's Motion to Compel mediation and Response in Opposition to the Defendant's motion to Extend

- 1. To the Honorable US District Court: Now comes the Plaintiff's motion to compel mediation
- 2. The Defendants and Plaintiff previously agreed on a mediator and the court's scheduling order stipulated a deadline for mediation to occur. Having heard nothing from the defendant's counsel, less than 2 weeks out from Mediation, the Plaintiff attempted to confer with the counsel for the defendants regarding setting a firm date for mediation.
- 3. Despite a prior agreement on a mediator, an agreement for mediation to occur, and court order to mediate, the Defendants now changed their mind and outright refused to attend the previously agreed to and court ordered mediation.
- 4. The Defendant's motion to extend mediation is improper and is in violation of the court's order to attend mediation and should be denied as a consequence of their direct and willful violation of a court order. Additionally, the Defendants should

be ordered to pay the entire cost of mediation and should be compelled to attend mediation.

- 5. The Defendants now want to use an unfiled motion to dismiss as the basis and an excuse to cause an unreasonable delay in the case and violate the court's previous order to attend mediation.
- 6. Mediation is a seperate and independent process to resolving a motion to dismiss and should not be delayed so the defendants can "see what happens" with their unfiled motion to dismiss.
- 7. Deadlines are passing and the Plaintiff insists on at least attempting to move the case along in an orderly fashion to get some progress in the case, rather than finding a new excuse every week to cause a delay and a reason for why court ordered deadlines can't occur.

Craig Cunningham

Plaintiff.

3000 Custer Road, ste 270-206, Plano Tx 75075, 615-348-1977 9/17/2018

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	§

Certificate of Service

I hereby certify that a true copy of the foregoing was mailed to the defendants in this case via USPS First class mail to: Sidney Scheinberg, Goodwin, Bowman, and Martinez, PC 1201 Elm Street, ste 1700, Dallas, Tx 75270

Plaintiff.

3000 Custer Road, ste 270-206, Plano, Tx 75075, 615-348-1977 9/17/2018